## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

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IN THE MATTER OF THE APPLICATION OF BLACK HILLS POWER AND LIGHT FOR AUTHORITY TO MAKE CERTAIN CHANGES IN ITS CHARGES FOR RETAIL ELECTRIC SERVICE PROVIDED TO SOUTH DAKOTA CUSTOMERS

## ORDER GRANTING MOTION TO ALTER PROCEDURAL SCHEDULE; ORDER FOR AND NOTICE OF HEARING

## EL95-003

On February 1, 1995, Black Hills Power and Light Company (BHP&L) filed with the Public Utilities Commission (Commission) an application for approval to increase its rates for electric service.

BHP&L proposes a total increase, if approved, of \$8,388,650 BHP&L wrote: "The proposed changes to the rate schedules is an increase of 9.96% in annual charges to South Dakota jurisdictional customers. The effective date of these proposed changes to the rate schedules is the in service date of the Company's 80 MW coal-fired power plant, Neil Simpson Unit #2, expected later this year. The proposed changes to the rate schedules would increase revenues from South Dakota jurisdictional customers \$8,388,650 based on the billings issued for sales of electric energy for the twelve months ended September 30, 1994. The proposed changes would affect the billings of approximately 52,240 customers located in South Dakota. The additional revenue requested in the application is needed to offset the increased costs incurred by the company in providing electric service to its customers, and the known changes to costs resulting from the completion and operation of Neil Simpson Unit #2 later this year."

On February 23, 1995, at its regularly scheduled meeting, the Commission reviewed BHP&L's filing. The Commission found that it had jurisdiction over this matter pursuant to SDCL Chapter 49-34A, specifically, SDCL 49-34A-4, 49-34A-6, 49-34A-8, 49-34A-10, 49-34A-11, 49-34A-12, 49-34A-13, 49-34A-17, 49-34A-19, 49-34A-19.2, and 49-34A-21. On March 7, 1995, the Commission ordered that any individual or entity may file a petition to intervene pursuant to SDCL 1-26-17.1, 49-34A-13.1, and ARSD 20:10:01:15.02 and 20:10:01:15.03, or may comment on the merits of BHP&L's filing on or before March 31, 1995 and further ordered that BHP&L deposit up to \$125,00.00 in the SDPUC rate case fund when requested by the executive director.

On March 22, 1995, a Petition to Intervene was filed by the Black Hills Industrial Consumer Group ("BHIC Group"), which group consists of the South Dakota Cement Plant ("Dacotah Cement"), Homestake Mining Company of California ("Homestake"), Wharf Resources USA, Inc. ("Wharf"), Pope & Talbot, and the Department of Veterans Affairs Medical Center, Fort Meade ("VA Hospital"). On March 30, 1995, a Petition to Intervene was filed by the State of South Dakota, Bureau of Administration ("BOA").

At a duly noticed ad hoc meeting of April 6, 1995, the Commission unanimously voted to grant BHIC Group and BOA's Petition to Intervene. The procedural schedule for briefing and a hearing on this matter was set as follows:

<u>DATE</u> June 9, 1995 June 30, 1995

132.26

July 17, 18, 19, 1995

PROCEDURAL SCHEDULE Staff and Intervenors's Prefiled Testimony BHP&L Prefiled Rebuttal Testimony (Optional) Hearing at a site to be determined On June 6, 1995, the procedural schedule was amended to allow Staff and Intervenors to file their prefiled testimony on June 16, 1995. A second amended order was filed on June 15, 1995, setting the date for filing Staff and Intervenor prefiled testimony on June 23, 1995. On June 23, 1995, Staff and Intervenors filed a Settlement Stipulation. At a duly noticed ad hoc meeting on June 26, 1995, Staff made an oral motion pursuant to ARSD 20:10:01:22.04 requesting that the time and place of the Hearing be changed to June 30, 1995, at 8:00 a.m. in Room LCR-1. The Commission found that good cause existed and unanimously voted to grant the motion to alter the procedural schedule.

The issue at the hearing is whether the Settlement Stipulation shall be accepted.

The hearing is an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to attend and represent themselves or be represented by an attorney. However, such rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the hearing, the Final Decision will be based solely on testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. It is therefore

ORDERED that the procedural schedule set forth above shall be altered to change the Hearing from July 17, 1995, to June 30, 1995, at 8:00 a.m. in Room LCR-1, State Capitol Building, Pierre, SD.

Dated at Pierre, South Dakota, this  $\underline{\partial T^{th}}$  day of June, 1995.

**CERTIFICATE OF SERVICE** The undersioned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by tacsimile or by first class mail, in property addressed envelopes, with charges prepaid thereon. Waldnee (OFFICIAL SEAL)

0132.26.14

BY ORDER OF THE COMMISSION:

Chairman

BURG. Commissioner

LASKA SCHOENFELDER, Commissioner